

REDACTED DOCKET SHEET

CLOSED

**U.S. District Court
District of Maryland (Greenbelt)
CIVIL DOCKET FOR CASE #: 8:11-cv-02958-AW
Internal Use Only**

Company Doe v. Tenenbaum et al
Assigned to: Judge Alexander Williams, Jr
Cause: 05:702 Administrative Procedure Act

Date Filed: 10/17/2011
Date Terminated: 07/31/2012
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff**Company Doe**

represented by **Baruch A Fellner**
Gibson Dunn and Crutcher LLP
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V.

Defendant

Inez Tenenbaum
*in her official capacity as Chairwoman
of the Consumer Product Safety
Commission*

represented by **Neil R White**
Office of the United States Attorney
6500 Cherrywood Lane Ste 400
Greenbelt, MD 20770
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ATTORNEY TO BE NOTICED

Defendant

**Consumer Product Safety
Commission**

represented by **Neil R White**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Roger Joseph Gural

(See above for address)

ATTORNEY TO BE NOTICED

V.

Interested Party

Public Citizen

represented by **Scott C Borison**

Legg Law Firm LLC

5500 Buckeystown Pike

Frederick, MD 21703

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Interested Party

Consumer Federation of America

represented by **Scott C Borison**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Scott Michelman

(See above for address)









*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Interested Party****Consumers Union**represented by **Scott C Borison**






















(See above for address)


















*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Scott Michelman**
















(See above for address)

















*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED*
















Date Filed	#	Docket Text
10/17/2011	  1	*SEALED* COMPLAINT against Consumer Product Safety Commission, Inez Tenenbaum (Filing fee \$ 350 receipt number 84637018000) filed by Company Doe. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Tenenbaum Summons, # 7 CPSC Summons, # 8 Civil Cover Sheet)(kns, Deputy Clerk) (Entered: 10/18/2011)
10/17/2011	 2	-SEALED- MOTION to Seal Case and MOTION to Proceed Under a Pseudonym by Company Doe. Responses due by 11/3/2011. (Attachments: # 1 Memorandum of Points and Authorities in Support, # 2 Text of Proposed Order)(kns, Deputy Clerk) (Additional attachment(s) added on 11/23/2011: # 3 Revised Proposed Seal Order, # 4 Certificate of Proposed Revised Seal Order) (ranks, Deputy Clerk). (Entered: 10/18/2011)
10/17/2011	  3	*SEALED* Local Rule 103.3 Disclosure Statement by Company Doe  (Entered: 10/18/2011)
10/17/2011	  4	*SEALED* -SEALED- MOTION to Appear Pro Hac Vice for Baruch Fellner by Company Doe (Filing Fee \$50.00 Receipt No. 84637018000) (kns, Deputy Clerk) (Entered: 10/18/2011)















10/17/2011	  5	*SEALED* NOTICE of Intent to File a Motion for Preliminary Injunctive Relief by Company Doe (kns, Deputy Clerk) (Entered: 10/18/2011)
10/17/2011	  6	*SEALED* CERTIFICATE OF SERVICE by Company Doe re 1 Complaint, 2 MOTION to Seal Case and to Proceed Under Pseudonym and 3 Local Rule 103.3 Disclosure Statement. (kns, Deputy Clerk) (Entered: 10/18/2011)
10/18/2011	  7	*SEALED* NOTICE of Appearance by Roger Joseph Gural on behalf of Consumer Product Safety Commission, Inez Tenenbaum (kns, Deputy Clerk) (Entered: 10/19/2011)
10/20/2011	 8	*SEALED* PAPERLESS ORDER granting 4 Motion to Appear Pro Hac Vice for attorney Baruch A Fellner on behalf of Company Doe; Directing attorney Baruch A Fellner to register on-line for CM/ECF at https://www.mdd.uscourts.gov/attyregB/inputProHac.asp . Signed by Clerk on 10/20/2011. (kns, Deputy Clerk)(c/m 10/21/11) Edited text to include c/m on 10/21/2011 (kns, Deputy Clerk). (Entered: 10/21/2011)
10/21/2011	  9	*SEALED* -SEALED- MOTION for Preliminary Injunctive Relief by Company Doe. Responses due by 11/7/2011.(kns, Deputy Clerk) (Additional attachment(s) added on 10/24/2011: # 1 Memorandum of Points and Authorities in Support, # 2 Declaration of Daniel J. Davis, # 3 Exhibit A - Incident Report, # 4 Exhibit B -  , # 5 Exhibit C -  , # 6 Exhibit D -  , # 7 Exhibit E -  , # 8 Exhibit F -  , # 9 Exhibit G -  , # 10 Exhibit I to Exhibit G, # 11 Exhibit 2 to Exhibit G, # 12 Exhibit 3 to Exhibit G, # 13 Exhibit H - Declaration of  , # 14 Certificate of Service, # 15 Text of Proposed Order) (kns, Deputy Clerk). (Entered: 10/24/2011)
10/25/2011	  10	*SEALED* STIPULATION AND PROPOSED ORDER Concerning Schedule for Briefing of 9 Plaintiff's Motion for Preliminary Injunction by Company Doe, Consumer Product Safety Commission, Inez Tenenbaum. (Attachments: # 1 Text of Proposed Order)(kns, Deputy Clerk) (Entered: 10/27/2011)
10/27/2011		*SEALED* Telephonic/Status Conference held on 10/27/2011 before Judge Alexander Williams, Jr. (hass, Deputy Clerk) (Entered: 11/01/2011)
10/28/2011	  11	*SEALED* -SEALED- RESPONSE in Opposition 2 MOTION to Seal Case and MOTION to Proceed Under a Pseudonym filed by Consumer Product Safety Commission, Inez Tenenbaum. Replies due by 11/17/2011. (Attachments: # 1 Cover Letter)(kns, Deputy Clerk) (Entered: 10/28/2011)








10/31/2011	  12	*SEALED* MOTION to Appear Pro Hac Vice for Scott Michelman by Public Citizen, Consumer Federation of America, Consumers Union (\$50.00 Filing Fee, Receipt No. 84637018060) (kns, Deputy Clerk) (Entered: 11/01/2011)
10/31/2011	  13	*SEALED* Local Rule 103.3 Disclosure Statement by Consumer Federation of America, Consumers Union, Public Citizen identifying Other Affiliate Consumer Media LLC, Other Affiliate The Truman Avenue Foundation, Inc. for Consumers Union. (kns, Deputy Clerk) (Entered: 11/01/2011)
10/31/2011	  14	*SEALED* OBJECTION under Local Rule 105(11) to 2 Plaintiff's MOTION to Seal Case and to Proceed Under a Pseudonym filed by Consumer Federation of America, Consumers Union, Public Citizen. Replies due by 11/17/2011. (kns, Deputy Clerk) (Entered: 11/01/2011)
11/04/2011	 15	*SEALED* PAPERLESS ORDER GRANTING 12 Motion to Appear Pro Hac Vice for attorney Scott Michelman on behalf of Public Citizen, Consumer Federation of America, Consumers Union; Directing attorney Scott Michelman to register on-line for CM/ECF at https://www.mdd.uscourts.gov/attyregB/inputProHac.asp . Signed by Clerk on 11/4/2011, upon the authority of Judge Alexander Williams, Jr. (kns, Deputy Clerk)(c/m 11/8/11) Enhanced text on 11/8/2011 (kns, Deputy Clerk). (Entered: 11/08/2011)
11/04/2011	  16	*SEALED* MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION to 9 MOTION for Preliminary Injunction filed by Consumer Product Safety Commission, Inez Tenenbaum. Replies due by 11/21/2011. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)(kns, Deputy Clerk) (Entered: 11/08/2011)
11/08/2011	  17	*SEALED* -SEALED- REPLY to Response to 2 MOTION to Seal Case and MOTION to Proceed Under a Pseudonym filed by Company Doe. (Attachments: # 1 Certificate of Service)(kns, Deputy Clerk) (Entered: 11/09/2011)
11/08/2011	  18	*SEALED* -SEALED- JOINT MOTION to Unseal 2 Plaintiff's Motion to Seal Case and to Proceed Under a Pseudonym and Plaintiff's Memorandum of Points and Authorities in Support by Company Doe, Consumer Product Safety Commission, Inez Tenenbaum. Responses due by 11/25/2011. (Attachments: # 1 Certificate of Service, # 2 Text of Proposed Order)(kns, Deputy Clerk) (Entered: 11/09/2011)
11/18/2011	  19	*SEALED* -SEALED- REPLY to Response to 9 MOTION for Preliminary Injunctive Relief filed by Company Doe. (Attachments: # 1 Certificate of Service)(kns, Deputy Clerk) (Entered: 11/21/2011)
11/22/2011	  20	*SEALED* UNOPPOSED MOTION Requesting Oral Argument

		on Preliminary Injunctive Relief 9 MOTION for Preliminary Injunction by Company Doe Responses due by 12/9/2011 (Attachments: # 1 Certificate, # 2 Text of Proposed Order)(ranks, Deputy Clerk) (Entered: 11/23/2011)
11/30/2011	  21	*SEALED* -SEALED- ORDER GRANTING 18 Joint Motion to Unseal 2 MOTION to Seal Case and to Proceed Under a Pseudonym and Memorandum in Support. Signed by Judge Alexander Williams, Jr on 11/29/2011. (kns, Deputy Clerk)(c/m 12/1/11) (Entered: 12/01/2011)
11/30/2011		(Court only) ***Case Unsealed (kns, Deputy Clerk) (Entered: 12/01/2011)
12/06/2011	 22	*SEALED* MOTION to Unseal <i>Filings Regarding Plaintiff's Motion to Seal</i> by Consumer Federation of America, Consumers Union, Public Citizen Responses due by 12/23/2011 (Attachments: # 1 Memo in Support, # 2 Text of Proposed Order) (Michelman, Scott) Modified security on 12/6/2011 (kns, Deputy Clerk). (Entered: 12/06/2011)
12/14/2011	  23	*SEALED* (Court only) SEALED Memorandum Opposing Consumer Groups' Motion to Unseal Filings Regarding Plaintiff's Motion to Seal. (Attachments: # 1 Certificate of Service)(kns, Deputy Clerk) (Entered: 12/15/2011)
12/14/2011	  24	*SEALED* (Court only) SEALED Notice of Recent Authority in Support of Plaintiff's Motion for Preliminary Injunctive Relief. (Attachments: # 1 Exhibit A, # 2 Certificate of Service)(kns, Deputy Clerk) (Entered: 12/15/2011)
12/15/2011	 25	*SEALED* REPLY to Response to Motion re 2 MOTION to Seal Case -- <i>REPLY re Motion to Unseal Related Filings</i> filed by Consumer Federation of America, Consumers Union, Public Citizen. (Michelman, Scott) Modified security on 12/16/2011 (kns, Deputy Clerk). (Entered: 12/15/2011)
12/16/2011	  26	*SEALED* (Court only) SEALED Motion to Dismiss. (Attachments: # 1 Memorandum in Support)(kns, Deputy Clerk) (Entered: 12/16/2011)
12/22/2011	  27	*SEALED* (Court only) SEALED Motion to Unseal Defendant's Memorandum of Points and Authorities in Opposition to Plaintiff's Motion to Seal the Case and to Proceed Under a Pseudonym. (Attachments: # 1 Exhibit A - Memorandum of Points and Authorities in Opposition to Plaintiff's Motion to Seal the Case and to Proceed Under a Pseudonym, # 2 Text of Proposed Order)(kns, Deputy Clerk) (Entered: 12/22/2011)
12/23/2011	  28	*SEALED* (Court only) SEALED Memorandum Opposing Defendant's Motion to Unseal the Defendant's Memorandum Opposing the Motion to Seal. (Attachments: # 1 Certificate of Service)(rss, Deputy Clerk) (Entered: 12/23/2011)

12/30/2011	  29	*SEALED* (Court only) SEALED Memorandum Opposing Defendants' Motion to Dismiss. (Attachments: # 1 Certificate of Service)(kns, Deputy Clerk) (Entered: 01/03/2012)
01/06/2012	  30	*SEALED* (Court only) SEALED Memo to Counsel/Order scheduling a two hour hearing on oral argument for Friday, January 27, 2012 at 2:00 p.m., Courtroom 4A, Greenbelt. Signed by Judge Alexander Williams, Jr. on 1/5/2012. (kns, Deputy Clerk)(c/m 1/6/12) (Entered: 01/06/2012)
01/06/2012	  31	*SEALED* (Court only) SEALED Reply in Support of 27 Motion to Unseal Defendant's Opposition to 2 Motion for Leave to Seal Case and to Proceed Under a Pseudonym filed by Defendants Inez Tenenbaum, Consumer Product Safety Commission. (kns, Deputy Clerk) (Entered: 01/06/2012)
01/06/2012	  32	*SEALED* (Court only) SEALED Motion to Stay Proceedings. (Attachments: # 1 Memorandum in Support, # 2 Declaration of Daniel J. Davis, # 3 Exhibit A to Davis Declaration, # 4 Exhibit B to Davis Declaration, # 5 Certificate of Service)(kns, Deputy Clerk) (Entered: 01/09/2012)
01/13/2012	  33	*SEALED* (Court only) SEALED Defendants' Reply in Support of 26 Motion to Dismiss. (kns, Deputy Clerk) (Entered: 01/17/2012)
01/17/2012	  34	*SEALED* (Court only) SEALED REVISED MEMORANDUM/ORDER to Counsel rescheduling oral argument for February 1, 2012 at 2:00 p.m., Courtroom 4A, Greenbelt. (kns, Deputy Clerk)(c/m 1/17/12) (Entered: 01/17/2012)
01/23/2012	  35	*SEALED* (Court only) SEALED Defendant's Opposition to Plaintiff's Motion to Stay Proceedings. (Attachments: # 1 Exhibit 1)(kns, Deputy Clerk) (Entered: 01/24/2012)
01/27/2012	  36	*SEALED* (Court only) SEALED MOTION to Withdraw 32 Motion to Stay Proceedings and UNOPPOSED MOTION to File an Amended Complaint filed by Company Doe. (Attachments: # 1 Memorandum in Support, # 2 Proposed Amended Complaint, # 3 Redlined Proposed Amended Complaint, # 4 Exhibit A to Proposed Amended Complaint, # 5 Exhibit B to Proposed Amended Complaint, # 6 Exhibit C to Proposed Amended Complaint, # 7 Exhibit D to Proposed Amended Complaint, # 8 Exhibit E to Proposed Amended Complaint, # 9 Exhibit F to Proposed Amended Complaint, # 10 Exhibit G to Proposed Amended Complaint, # 11 Exhibit H to Proposed Amended Complaint, # 12 Exhibit I to Proposed Amended Complaint, # 13 Exhibit J to Proposed Amended Complaint, # 14 Exhibit K to Proposed Amended Complaint, # 15 Exhibit L to Proposed Amended Complaint, # 16 Exhibit M to Proposed Amended Complaint, # 17 Exhibit N to Proposed Amended Complaint, # 18

		Certificate of Service)(kns, Deputy Clerk) (Entered: 01/30/2012)
02/01/2012	 37	*SEALED* -SEALED-PAPERLESS ORDER GRANTING re (sealed) 36 Super Sealed,, MOTION TO WITHDRAW 32 MOTION TO STAY PROCEEDINGS AND UNOPPOSED MOTION TO FILE AN AMENDED COMPLAINT. Signed by Judge Alexander Williams, Jr. on February 1, 2012. (vdj, Chambers) Modified security on 2/1/2012 (kns, Deputy Clerk). (Entered: 02/01/2012)
02/01/2012	  38	*SEALED* (Court only) SEALED Amended Complaint. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N)(kns, Deputy Clerk) (Entered: 02/01/2012)
02/01/2012	  39	*SEALED* SEALED Minute Entry, Motion Hearing held before Judge Alexander Williams, Jr. on 2/1/2012 re 2 MOTION to Seal Case filed by Company Doe, 22 MOTION to Unseal Filings Regarding Plaintiff's Motion to Seal filed by Consumer Federation of America, Consumers Union, Public Citizen, 9 MOTION for Preliminary Injunction filed by Company Doe - argued - "TAKEN UNDER ADVISEMENT". Order to be entered by the Court (Court Reporter: Gloria Williams) (hass, Deputy Clerk) (Entered: 02/02/2012)
02/09/2012		*SEALED* SEALED Minute Entry, TELEPHONIC/STATUS CONFERENCE held on 2/9/2012 before Judge Alexander Williams, Jr. (hass, Deputy Clerk) (Entered: 02/09/2012)
02/09/2012	  40	*SEALED* (Court only) SEALED MEMORANDUM/ORDER scheduling a telephonic status hearing for February 9, 2012 at 9:30 a.m. Signed by Judge Alexander Williams, Jr. on 2/8/2012. (kns, Deputy Clerk) (Entered: 02/09/2012)
02/16/2012		*SEALED* (Court only) SEALED Telephonic/Status Conference (hass, Deputy Clerk) (Entered: 02/16/2012)
02/16/2012	  41	*SEALED* (Court only) SEALED Motion to Dismiss Plaintiff's Amended Complaint, or, in the Alternative, for Summary Judgment. (Attachments: # 1 Memorandum in Support, # 2 Exhibit 1, # 3 Exhibit 2 (Part 1 of 2), # 4 Exhibit 2 (Part 2 of 2)) (kns, Deputy Clerk) Modified on 2/17/2012 (kns, Deputy Clerk) (rec'd in Baltimore 2/15/12). (Entered: 02/17/2012)
02/16/2012	  42	*SEALED* (Court only) SEALED Unopposed Motion to Release Hearing Transcript to Plaintiff and Defendants with Request for Expedited Review. (Attachments: # 1 Certificate of Service, # 2 Text of Proposed Order)(kns, Deputy Clerk) (Entered: 02/17/2012)
02/17/2012	  43	*SEALED* (Court only) SEALED Joint Stipulation to Briefing

		Schedule. (kns, Deputy Clerk) (Entered: 02/21/2012)
03/07/2012	  44	*SEALED* TRANSCRIPT of Motions Hearing before the Honorable Alexander Williams, Jr., United States District Judge on Wednesday, February 1, 2012. (giw, Court Reporter) Modified security and title on 3/7/2012 (kns, Deputy Clerk). (Entered: 03/07/2012)
03/07/2012	  45	*SEALED* (Court only) SEALED Plaintiff's Statement of Material Undisputed Facts. (kns, Deputy Clerk) Modified on 3/7/2012 (kns, Deputy Clerk)(rec'd 3/5/12). (Entered: 03/07/2012)
03/07/2012	  46	*SEALED* (Court only) SEALED Plaintiff's Cross-Motion for Summary Judgment (Attachments: # 1 Memorandum in Support of Cross-Motion for Summary Judgment, and in Opposition to the Defendants' Motion for Summary Judgment and Motion to Dismiss, # 2 Exhibit A - 3/3/2012 Declaration of [REDACTED] # 3 Certificate of Service)(kns, Deputy Clerk)(rec'd 3/5/12) (Entered: 03/07/2012)
03/19/2012	  47	*SEALED* (Court only) SEALED Defendants' REPLY in Support of Motion to Dismiss Plaintiff's Amended Complaint, or in the Alternative, for Summary Judgment and Defendants' OPPOSITION to Plaintiff's Cross-Motion for Summary Judgment. (kns, Deputy Clerk) (Entered: 03/20/2012)
03/23/2012	  48	*SEALED* (Court only) SEALED Plaintiff's REPLY Memorandum in Support of Plaintiff's Cross-Motion for Summary Judgment. (kns, Deputy Clerk) Modified date of filing on 3/26/2012 (kns, Deputy Clerk). (Entered: 03/26/2012)
03/28/2012	  49	*SEALED* (Court only) SEALED Correspondence to the Honorable Alexander Williams, Jr. from Roger Gural, counsel for the Government, notifying the Court of the United States Supreme Court's recent opinion in <i>Sackett v. Environmental Protection Agency, et al.</i> , No. 10-1062, 2012 LEXIS 2320 (March 21, 2012)(slip op.) (Attachments: # 1 Exhibit A - US Supreme Court Opinion)(kns, Deputy Clerk) (Entered: 03/28/2012)
07/31/2012	  50	*SEALED* (Court only) SEALED Memorandum Opinion. (kns, Deputy Clerk)(c/m to counsel for Plaintiff and Defendants 7/31/12) (Entered: 07/31/2012)
07/31/2012	  51	*SEALED* (Court only) SEALED ORDER GRANTING IN PART 2 Plaintiff's Motion to Seal; DENYING AS MOOT 9 Plaintiff's Motion for Preliminary Injunction; GRANTING, nunc pro tunc, 20 Plaintiff's Motion for Oral Argument; DENYING 22 the Consumer Groups' Motion to Unseal Filings; DENYING 41 the Commission's Motion for Summary Judgment; GRANTING 46 Plaintiff's Cross-Motion for Summary Judgment; ENTERING JUDGMENT in favor of Plaintiff, with the result that the Court PERMANENTLY ENJOINS Defendants Inez Tenenbaum and the Consumer Product Safety Commission from publishing,

		disclosing, disseminating, distributing, publicly discussing, or otherwise revealing the challenged report of harm or its contents; ORDERING the Clerk of the Court to CLOSE this case; to MAINTAIN this case under SUPER SEAL until such further time as the Court may direct otherwise; to transmit a copy of this Order and the accompanying Memorandum Opinion to counsel of record for Company Doe, Inez Tenenbaum and Consumer Product Safety Commission and to transmit a copy of this Order, and only this Order, to counsel of record for the Interested Parties Public Citizen, Consumer Federation of America and Consumers Union. (kns, Deputy Clerk)(c/m counsel for Plaintiff, Defendants and Interested Parties 7/31/12) (Entered: 07/31/2012)
07/31/2012		(Court only) ***Civil Case Terminated. (kns, Deputy Clerk) (Entered: 07/31/2012)
08/07/2012	  52	*SEALED* -SEALED- MOTION to Intervene by Consumer Federation of America, Consumers Union, Public Citizen Responses due by 8/24/2012 (Attachments: # 1 Memorandum in Support, # 2 Text of Proposed Order)(Michelman, Scott) Modified security on 8/8/2012 (kns, Deputy Clerk). (Entered: 08/07/2012)
08/10/2012	  53	*SEALED* (Court only) SEALED correspondence requesting copy of docket sheet for use in preparing Response to the Court's Order, dated July 31, 2012. (Attachments: # 1 Cover Letter)(kns, Deputy Clerk) (Entered: 08/16/2012)
08/21/2012	  54	*SEALED* (Court only) SEALED Response to July 31 Court Order to Propose Redactions. (Attachments: # 1 Memorandum Opinion with Proposed Redactions, # 2 Redacted Civil Cover Sheet, # 3 Certificate of Service)(kns, Deputy Clerk) (Entered: 08/22/2012)